

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO.5

April 9, 2014

**SUBJECT:** CRIMINAL DISCOVERY REQUESTS INVOLVING NON-CATEGORICAL  
USE OF FORCE INVESTIGATIONS - REVISED; AND INVESTIGATING  
OFFICER/BUREAU DETECTIVE COORDINATOR (BDC)'S  
RESPONSIBILITIES - RENAMED AND REVISED

**PURPOSE:** This Order revises Department Manual Sections 4/792.30, *Criminal Discovery Requests Involving Non-Categorical Use of Force Investigations*, 4/792.40, *Investigating Officer/Bureau Detective Coordinator (BDC)'s Responsibilities*, and renames the section, *Geographic Bureau Detective Coordinator's Responsibilities*. This revised procedure will designate the geographic BDC as the initial point of contact for all Non-Categorical Use of Force (NCUOF) Discovery Requests. Discoverable information that may be available during these procedures has been revised to include a redacted copy of the NCUOF Report. The completion of a Follow-Up Investigation, Form 03.14.00, summarizing the response to the discovery request will no longer be used.

**Note:** Nothing precludes the completion of a Form 03.14.00, if necessary, to reconcile or correct conflicting information. The Form 03.14.00 should be attached to the redacted copy of the NCUOF.

**PROCEDURE:** Attached are revisions to Department Manual Section 4/792.30, which pertains to criminal discovery requests involving NCUOF Investigations; and Department Manual Section 4/792.40, which pertains to BDC responsibilities. The revisions are indicated in italics.

**AMENDMENTS:** This Order amends Sections 4/792.30 and 4/792.40 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK  
Chief of Police

Attachment

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**DEPARTMENT MANUAL  
VOLUME IV  
Revised by Special Order No. 5, 2014**

**792.30 CRIMINAL DISCOVERY REQUESTS INVOLVING NON-CATEGORICAL USE OF FORCE INVESTIGATIONS.** Criminal discovery requests are received from the City Attorney's or District Attorney's Offices requesting the Department to disclose and provide information associated with criminal cases.

*All criminal discovery requests associated with Non-Categorical Use of Force (NCUOF) investigations will be forwarded to the geographic Bureau Detective Coordinator (BDC) from the Area of occurrence or the BDC where the officer is assigned, if the incident occurred outside the City.*

**Discoverable Information.** Information that may be available during these procedures includes, but is not limited to:

- *Redacted copy of the Non-Categorical Use of Force Report;*
- *Photographs, videotapes or audio tapes, and a description of the relevant items;*
- *Witness statements;*
- *Scene diagrams;*
- *Documents not previously listed in a crime or arrest report;*
- *Newly discovered evidence not contained in a crime or arrest report; and,*
- *Corrections or reconciliation of conflicting information.*

***Note:** The Follow-Up Investigation, Form 03.14.00, should no longer be used to provide NCUOF information for the purpose of criminal discovery. The redacted copy of the NCUOF should be used instead of the Form 03.14.00; however, in cases where additional information may be needed, a Form 03.14.00 may be completed and attached to the redacted copy of the NCUOF.*

**Non-Discoverable Information.** Certain information in NCUOF investigations is considered confidential and **shall not** be provided as part of the discovery response. Such information includes, but is not limited to:

- *Adjudication of the Use of Force incident;*
- *Critiques of an officer's tactics;*
- *Training Evaluation and Management System II reports of individual officers;*
- *Training and/or counseling documentation;*
- *Disciplinary issues or actions; and,*
- *Any portion of the Internal Review Process.*

**Note:** Certain items of information may not be clear as to whether a confidential or privileged status exists. In such situations, a City attorney assigned to the Police Discovery Section of the City Attorney's Office shall be contacted for guidance. *In some cases, protective orders may be needed for compelled statements.*

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**792.40 GEOGRAPHIC BUREAU DETECTIVE COORDINATOR'S RESPONSIBILITIES.**

*The geographic Bureau Detective Coordinator (BDC) will be responsible for handling criminal discovery requests associated with a NCUOF investigation from the City Attorney's or District Attorney's Office. The BDC handling the request must:*

- Prepare a package that contains the related discovery material;
- Complete a Proposed Protective Order; and,
- Forward the package to the requesting entity (City Attorney's or District Attorney's Office).

***Note:** Criminal Discovery Requests for Uses of Force involving officers who are assigned to a non-geographic bureau will be handled by the BDC where the incident occurred.*

If the case is less than *six months* old, the related reports may be available in the geographic Bureau Training Coordinator's Office. Cases older than *six months* may be stored at Use of Force Review Division.

**Bureau Commanding Officer's Responsibility:** All bureau commanding officers *must* designate and maintain a BDC to comply with these duties and responsibilities.